

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

MICHAEL BROWN,

Plaintiff,

v.

MS JOE DOW WARDEN AT S.W.S.P.,
et al.,

Defendants.

Civil No. 08-4330 (RMB/AMD)

ORDER ON INFORMAL APPLICATION

THIS MATTER having come before the Court by way of letter application [Docket Entry 73] of Defendant SCO Smith K. Bey, for leave to depose Plaintiff Michael Brown, an inmate at the Bayside State Prison in Leesburg, New Jersey, pursuant to Federal Rule of Civil Procedure 30(a)(2); and

IT APPEARING TO THE COURT that the Federal Rules of Civil Procedure provide for depositions upon oral examination of confined parties. Specifically, Rule 30(a)(2) states that "[a] party must obtain leave of court, and the court must grant leave to the extent consistent with Rule 26(b)(2) . . . if the deponent is confined in prison;" and

IT FURTHER APPEARING TO THE COURT that the deposition of a person confined in prison may be taken only by leave of court on such terms as the Court prescribes. See Miller v. Bluff, 131

F.R.D. 698, 699 (E.D. Pa. 1990). This requirement is a recognized exception to the otherwise general rule that leave of court is not required in order to take another party's deposition. FED. R. CIV. P. 30(a)(1). The purpose of Rule 30(a)(2) is to prevent unnecessary disruption to the prison administration and to protect the prisoner from "any possible disadvantage in the deposition process." Kendrick v. Schnorbus, 655 F.2d 727, 729 (6th Cir. 1990); and

IT FURTHER APPEARING TO THE COURT that there are no conditions present which warrant the denial of this application; and this matter having been decided pursuant to FED. R. CIV. P. 78; and for good cause shown,

IT IS on this 3rd day of January 2011,

ORDERED that the application of Defendant, SCO Smith K. Bey, for an order granting leave to take the deposition of Plaintiff Michael Brown, pursuant to FED. R. CIV. P. 30(a)(2) shall be, and is hereby, **GRANTED**; and it is further

ORDERED that the discovery deposition of Plaintiff Michael Brown shall be conducted before the end of fact discovery on a date and time convenient to all parties and the Warden of the Bayside State Prison in Leesburg, New Jersey, at a place designated by the Warden, or at any prison facility within the State of New Jersey to which Plaintiff may be transferred subsequent to the signing of this Order; and it is further

ORDERED that the Certified Court Reporter be permitted to bring court reporting machinery, including a laptop computer, into the prison facility subject to and consistent with all prison regulations.

s/ Ann Marie Donio
ANN MARIE DONIO
United States Magistrate Judge

cc: Hon. Renée Marie Bumb